IT Support Technician Tarik Muhammad rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order at 3:00 p.m. by Mayor Spellman, Wednesday, July 23, 2014.

2. ROLL CALL: Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Staff present: City Attorney Hoffmann, City Manager Lewis, City Clerk Greiner, Finance Director Hillis, Senior Civil Engineer Reed, IT Support Technician Muhammad, Fire Chief Taylor, Police Chief Cole, and Public Works Director Isbester.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. AGENDA CHANGES: Mayor Spell announced item 8K will be deferred until after the Executive Session in order for Council to seek legal advice and item 8N will be pulled from the agenda to be brought back at a future City Council meeting yet to be determined.

4. CONFLICTS OF INTEREST: City Attorney Hoffmann asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State.

City Attorney Hoffmann asked the audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. The audience had no objections.

5A. INTRODUCTION OF EMPLOYEE Heshaum Gari, Police Office I

5B. PUBLIC COMMENTS: No one came forward to speak.

6. APPROVAL OF MINUTES FOR July 9, 2014
MOTION TO APPROVE
Alderman Johnson MOVED and was SECONDED by Alderman Torres to approve the Minutes of the meeting as presented.

MOTION PASSED
There was no discussion and the motion PASSED unanimously.

7. PUBLIC HEARINGS:
A. New Medical Marijuana Business License

Mayor Spellman asked for a motion to continue the item until July 30, 2014 at 10:00 a.m.

MOTION TO CONTINUE
Alderman Bennett MOVED and was SECONDED by Alderman Moates to continue the item until July 30, 2014 at 10:00 a.m.

MOTION PASSED
There was no discussion and the motion PASSED unanimously.

B. CB14, An Ordinance Approving an Intergovernmental Agreement for Temporary Staffing of a State Wildland Fire Engine Between the City of Black Hawk and the Colorado Department of Public Safety, Division of Fire Prevention and Control

Mayor Spellman read the title.

Fire Chief Taylor explained the State of Colorado is required to have a minimum number of personnel to fight fires in the West. This agreement allows the City to send personnel, if staffing is available, to fight Wildland fires for up to two weeks to get training and experience. Funding is through the State. The City will maintain minimum staffing and there will be no reduction in force.

PUBLIC HEARING:
Mayor Spellman declared a Public Hearing on CB14, An Ordinance Approving an Intergovernmental Agreement for Temporary Staffing of a State Wildland Fire Engine Between the City of Black Hawk and the Colorado Department of Public Safety, Division of Fire Prevention and Control open and invited
anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve CB14, An Ordinance Approving an Intergovernmental Agreement for Temporary Staffing of a State Wildland Fire Engine Between the City of Black Hawk and the Colorado Department of Public Safety, Division of Fire Prevention and Control.

**MOTION PASSED** There was no discussion and the motion **PASSED** unanimously.

C. Resolution 53-2014,
A Resolution Conditionally Approving a Certificate of Appropriateness for a Comprehensive Sigh Plan for the Lodge Casino

Mayor Spellman read the title.

Vince Harris, Baseline Corporation, explained the Lodge is allowed 1781 square feet and will use 535 square feet with 12 signs. Staff recommends approval with conditions noted in the staff report.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on Resolution 53-2014, A Resolution Conditionally approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Lodge Casino open and invited anyone to address the Board either “for” or “against” the proposed resolution to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 53-2014, A Resolution Conditionally approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Lodge Casino with staff’s recommendations.

**MOTION PASSED** There was no discussion and the motion **PASSED** unanimously.
D. Resolution 54-2014,
A Resolution Conditionally
Approving a Certificate of
Appropriateness for
Comprehensive Sign Plan
for the Saratoga Casino

Mayor Spellman read the title.

Vince Harris, Baseline, explained the property is allowed 990
square feet allowed and request 495.89 square feet in twenty signs
including a banner. Staff recommended approval with three
conditions noted in the staff report.

Rodney Eaton, Yesco Sign Company of, 10220 E 53rd Avenue,
Suite 300, Denver, Colorado, responded to Council’s questions.
Discussion with Vince Harris ensued regarding the third condition.

Mayor Spellman asked if Council preferred the longer, narrower,
black frame. All agreed, and recommended painting the banner
structure the color of the building.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 54-2014,
A Resolution Conditionally Approving a Certificate of
Appropriateness for Comprehensive Sign Plan for the Saratoga
Casino open and invited anyone wanting to address the Board
either “for” or “against” the proposed resolution to come forward.

No one came forward to speak and Mayor Spellman declared the
Public Hearing closed.

MOTION TO
APPROVE

Alderman Torres MOVED and was SECONDED by Alderman
Moates to approve Resolution 54-2014, A Resolution
Conditionally Approving a Certificate of Appropriateness for
Comprehensive Sign Plan for the Saratoga Casino with the
conditions established by staff except condition number three (3)
will specify the longer, narrower banner with framework painted
the color of the building.

MOTION PASSED

There was no discussion and the motion PASSED unanimously.

E. Certificate of
Appropriateness for
Proposed Exterior
Painting – 111
Hillside Street
F. Certificate of Appropriateness for Proposed Exterior Painting – 220 Church Street

G. Certificate of Appropriateness for Proposed Exterior Painting – 111 Marchant Street

H. Certificate of Appropriateness for Proposed Exterior Painting – 261 Church Street  

Mayor Spellman asked for a motion to continue items E, F, G, and H until August 13, 2014.

MOTION TO CONTINUE  

Alderman Moates MOVED and was SECONDED by Alderman Armbright to continue items E, F, G, and H until August 13, 2014.

MOTION PASSED  

There was no discussion and the motion PASSED unanimously.

8. ACTION ITEMS:  

I. Approval and Adoption of the Historic Restoration and Community Preservation Guide to Programs Dated July 2014  

Mayor Spellman read the title and noted that this item was continued from the previous meeting.

Jessica Killian, Consilium Partners, explained the changes made are due to the paint program being moved and include updated language to the materials allowance list. Ms. Killian stated that moving the paint program negates the need for an exterior maintenance component of the Guide to Programs. In addition, staff recommends adding a Certificate of Appropriateness application and level of review to give the City and the applicant the understanding of when a Certificate of Appropriateness is
needed for exterior projects. Other than these changes, everything else in the package remains the same as presented at the previous meeting.

Alderman Torres noted that Council did not direct staff to remove the exterior maintenance component from the Guide to Programs when they asked to have painting removed. Exterior maintenance should remain in the Guide to Programs which would be funded by historic preservation funds.

Mayor Spellman asked Council for clarification. Discussion ensued. Alderman Midcap asked if the change was requested to allow the City more flexibility in the paint program. City Attorney Hoffmann stated that there was a desire to remove the paint component but leave the exterior component in the Historic Restoration and Community Preservation Guide to Programs. Only historic properties would qualify for the exterior component under the Guide to Programs. All agreed.

**MOTION TO CONTINUE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to continue Resolution 52-2014, a Resolution Adopting the Revised Community Restoration and Preservation Guide to Programs, dated July 2014 to August 13, 2014.

**MOTION PASSED**

There was no discussion and the motion **PASSED** unanimously.

**J. Resolution 55-2014,**

A Resolution

Approving

Conveyance of

Property from the

City of Black Hawk
to the Black Hawk

Urban Renewal

Authority

Mayor Spellman read the title.

City Attorney Hoffmann explained that typically Black Hawk has restored/rehabilitated properties itself. With 211 and 221 Gregory Street what is contemplated is that the property will be leased to a third party that will be completing the restoration and rehabilitation of the property. This is a redevelopment project where the City is putting the redevelopment of these properties in to the hands of a third party. The City has previously created an Urban Renewal Authority that covers this portion of Gregory Street. If the resolution is approved, the properties will be conveyed to the
Urban Renewal Authority. The Urban Renewal Authority will be the landlord and will oversee the tenant’s redevelopment of the properties.

MOTION TO APPROVE

Alderman Johnson MOVED and was SECONDED by Alderman Torres to approve Resolution 55-2014, A Resolution Approving Conveyance of Property from the City of Black Hawk to the Black Hawk Urban Renewal Authority.

MOTION PASSED

There was no discussion and the motion PASSED unanimously.

K. Resolution 56-2014,
A Resolution for Approval and Adoption of the General Fund Paint Program Guide to Programs, Dated July 2014

Mayor Spellman noted the item was deferred until after Executive Session.

L. Resolution 57-2014
A Resolution Establishing Building Permit Fees

Mayor Spellman read the title.

City Attorney Hoffman explained that Community Planning and Development recommended the City revise the Building Permit Fees under the International Building Code.

MOTION TO APPROVE

Alderman Bennett MOVED and was SECONDED by Alderman Johnson to approve Resolution 57-2014, A Resolution Establishing Building Permit Fees.

MOTION PASSED

There was no discussion and the motion PASSED unanimously.

M. Approval of PEH Architects Proposal for the Rehabilitation of the Historic Homes
Mayor Spellman read the title.

Jessica Killian, Consilium Partners, explained as part of the upcoming development of the properties at 301 High Street and 401 Chase Street proposals were solicited from Anderson Hallas and PEH. PEH was the lowest bidder. Staff recommends approval of the PEH proposal.

MOTION TO APPROVE

Alderman Armbright MOVED and was SECONDED by Alderman Moates, Approval of PEH Architects Proposal for the Rehabilitation of the Historic Homes Located at 301 High Street and 401 Chase Street.

MOTION PASSED

There was no discussion and the motion PASSED unanimously.

N. Professional Services
   Agreement for
   Maryland Mountain / Quartz Valley Hidden Treasure Trailhead Feasibility and Preliminary Design

Mayor Spellman noted the item will be brought back at a future date.

O. Professional Services
   Agreement for
   Police Annex and Parking Facility Design

Mayor Spellman read the title.

Public Works Director Isbester explained the Professional Services Agreement and recommended approval.

Mayor Spellman noted that the item was covered in the 2014 Budget. Questions were asked about storage capacity of the building. It was decided to explore adding additional area for storage to the building.
MOTION TO APPROVE  
Alderman Midcap MOVED and was SECONDED by Alderman Armbright, Approval of the Professional Services Agreement for the Police Annex and Parking Facility in the amount of $144,350.

MOTION PASSED  
There was no discussion and the motion PASSED unanimously.

P. 2013 Audit  
Mayor Spellman read the title.

Finance Director Hillis explained the audit was an annual requirement and the City’s auditor John Cutler & Associates, LLC, issued a clean, unqualified audit.

MOTION TO ACCEPT  
Alderman Bennett MOVED and was SECONDED by Alderman Johnson to accept the 2013 Audit.

MOTION PASSED  
There was no discussion and the motion PASSED unanimously.

9. CITY MANAGER REPORT:  
City Manager Lewis requested approval for disposal of two vehicles as trade-ins for the purchase of a new truck approved in the 2014 Budget. City Manager Lewis explained that the City’s Charter requires Council’s approval when disposing of City items.

MOTION TO APPROVE  
Alderman Johnson MOVED and was SECONDED by Alderman Torres to approve the disposal of two City vehicles.

10. CITY ATTORNEY:  
City Attorney Hoffmann updated Council on the Burton Immanent Domain case. The trial begins on Tuesday and will last 4 days.

City Attorney Hoffmann recommended item number 2 for executive session for specific legal issues relating to ambulance services in the City of Black Hawk, legal issues regarding the proposed paint program, legal issues relating to mutual aid.

MOTION TO ADJOURN INTO EXECUTIVE
SESSION

Alderman Bennett moved and was seconded by Alderman Armbright to adjourn into Executive Session 3:50 p.m. to hold a conference with the City's attorney to receive legal advice on specific legal questions pursuant to C.R.S., § 24-6-402(b) and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S., § 24-6-402(e).

11. ADJOURNMENT: Mayor Spellman declared the Regular Meeting of the City Council closed at 5:05 p.m.

[Signatures]

Melissa Greiner
City Clerk

David D. Spellman
Mayor